

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY
THURSDAY, MAY 7, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Darrington and Acting Senator Thorson, absent and formally excused by the Chair; and Senators Andreason, Bair, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of May 6, 2009, was read and approved as corrected.

JORGENSEN, Vice Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

May 6, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1166](#), as amended, and [S 1112](#), as amended,
as amended in the House

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Andreason, Bair, Pearce, and Stegner were recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 226](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 226](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Siddoway, Smyser, Welker (Mortimer), Winder. Total - 26.

NAYS—Corder, Jorgenson, Keough, Sagness (Malepeai), Schroeder, Stegner, Werk. Total - 7.

Absent and excused—Darrington, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President declared [H 226](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 334](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 334](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 28.

NAYS—Bilyeu, Herzfeld (Bock), Kelly, LeFavour, Werk. Total - 5.

Absent and excused—Darrington, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President declared [H 334](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1246](#) was placed before the Senate for final consideration at this time.

[S 1246](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, Darrington, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1246](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1235](#), having been held, was placed before the Senate for final consideration at this time.

[S 1235](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, Darrington, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1235](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1239](#), having been held, was placed before the Senate for final consideration at this time.

[S 1239](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Coiner, Corder, Davis, Fulcher, Geddes,

Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, Darrington, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1239](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1225](#), having been held, was placed before the Senate for final consideration at this time.

[S 1225](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, Darrington, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1225](#) passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Keough to the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 11:55 a.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Darrington and Acting Senator Thorsen, absent and formally excused by the Chair.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

May 7, 2009

Dear Mr. President:

I transmit herewith [HCR 32](#) and [H 374](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 32](#) and [H 374](#) were filed for first reading.

May 7, 2009

Dear Mr. President:

I return herewith Enrolled [S 1233](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1233](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

[HCR 32](#), by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

[H 374](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [H 286](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 286**AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 24, following "Avenue" insert: "and with the northern termini of the project at approximately the south side of Sandpoint".

AMENDMENT TO SECTION 2

On page 3, delete lines 16 through 20, and insert: "of this act expand the northern and southern boundaries of the Garwood to Sagle project in the following manner: the southern boundary of the project is expanded to approximately Wyoming Avenue in Hayden and the northern boundary of the project is expanded to approximately the south side of Sandpoint. All prior appropriations and bonding authority authorizations to the Idaho Transportation Department for the Garwood to Sagle project are hereby amended to include expenditures on those portions of the project between Garwood and the southern boundary

of the project which is approximately Wyoming Avenue and between Sagle and the northern boundary of the project which is approximately the south side of Sandpoint."

SENATE AMENDMENT TO H 286**AMENDMENT TO SECTION 1**

On page 2 of the printed bill, in line 1, following "Ashton" insert: "; and/or safety enhancements to US-20 between mile markers 274 and 300".

CORRECTION TO TITLE

On page 1, in line 3, delete "DESCRIPTION OF AN"; in line 4, delete "ELIGIBLE PROJECT" and insert: "DESCRIPTIONS OF CERTAIN ELIGIBLE PROJECTS".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), and [S 1087](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 286](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

May 7, 2009

Dear Mr. President:

I transmit herewith [H 211](#) and [H 376](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 211](#) and [H 376](#) were filed for first reading.

May 7, 2009

Dear Mr. President:

I return herewith [S 1130](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1130](#) was referred to the Judiciary and Rules Committee for enrolling.

May 7, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 226](#) and [H 334](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 226](#) and [H 334](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 211, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 376, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 7, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to H 286 has been correctly printed.

JORGENSEN, Vice Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 7, 2009

The JUDICIARY AND RULES Committee reports that Enrolled S 1233 was delivered to the Office of the Governor at 3:35 p.m., May 7, 2009.

JORGENSEN, Vice Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 7, 2009

The JUDICIARY AND RULES Committee reports that S 1130 has been correctly enrolled.

JORGENSEN, Vice Chairman

The President signed Enrolled S 1130 and ordered it transmitted to the House for the signature of the Speaker.

May 7, 2009

The EDUCATION Committee reports out H 211 and H 374 with the recommendation that they do pass.

GOEDDE, Chairman

H 211 and H 374 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

May 7, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

S 1152, S 1216, S 1232, as amended, S 1237,
S 1238, S 1240, S 1243, and S 1244

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 286, as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, H 303, as amended in the Senate, as amended in the Senate, was placed before the Senate for final consideration at this time.

H 303, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 26.

NAYS—Bilyeu, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Schroeder, Werk. Total - 7.

Absent and excused—Darrington, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President declared H 303, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 275 was placed before the Senate for final consideration at this time.

H 275 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Smyser, Stegner, Welker (Mortimer), Winder. Total - 27.

NAYS—Bilyeu, Davis, Kelly, Schroeder, Siddoway, Werk.
Total - 6.

Absent and excused—Darrington, Thorson (Stennett).
Total - 2.

Total - 35.

Whereupon the President declared [H 275](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

May 7, 2009

Dear Mr. President:

I transmit herewith [HCR 34](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 34](#) was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[HCR 34](#), by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 7, 2009

The TRANSPORTATION Committee reports out [H 376](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 376](#) was filed for second reading.

May 7, 2009

The TRANSPORTATION Committee reports out [HCR 32](#) and [HCR 34](#) with the recommendation that they do pass.

MCGEE, Chairman

[HCR 32](#) and [HCR 34](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

May 7, 2009

Dear Mr. President:

I transmit herewith [H 377](#) and [H 378](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 377](#) and [H 378](#) were filed for first reading.

May 7, 2009

Dear Mr. President:

I return herewith [S 1246](#), [S 1235](#), [S 1239](#), and [S 1225](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1246](#), [S 1235](#), [S 1239](#), and [S 1225](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 377](#) and [H 378](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 7, 2009

The FINANCE Committee reports out [H 377](#) and [H 378](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 377](#) and [H 378](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 338](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 338](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Darrington, Thorson (Stennett).
Total - 2.

Total - 35.

Whereupon the President declared [H 338](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 7:30 p.m. until the hour of 9 a.m., Friday, May 8, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary